IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1762 (S/S)2007

Sudesh Pal Singh S/o Sri Balbir Singh,
Assistant Teacher I.T. Grade,
R.N.I. Inter College, Bhagwanpur,
Haridwar. ---- Petitioner.

Vs.

1. State of Uttarakhand through Secretary,
   Education Dehradun,
2. Director of Education, Dehradun,
3. Add. Director of Education (Garhwal),
   Pauri Garhwal,
4. District Haridwar,
5. Committee of Management,
   R.N.I. Inter College, Bhagwanpur Haridwar,
   Through it's Manager. ---- Respondents.

Sri A.V. Pundir, learned counsel for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State/respondent nos. 1,2,3 & 4.
None for respondent no. 5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ajay Veer Pundir, learnd counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State/respondent nos. 1,2,3 & 4. None is present for respondent no. 5.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding/ directing the respondents to promote the petitioner on the post of Lecturer (Civics),

ii. Issue any other relief, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of petitioner,

iii. Cost of petition be awarded in favour of the petitioner.

The Petitioner has submitted that he was appointed on the post of Assistant Teacher I.T. Grade in the year 1990 and vide G.O. dated 24.04.1995 his services were regularized. It is further submitted that there are 11 posts of Lecturers in the Institution, against which 8 Lecturers are working.

It is submitted that the petitioner is M.A. in Political Science and he is the senior-most Teacher in L.T. Grade and fulfills and requisite qualifications for being promoted on the post of Lecturer (Civics). In the year 2004 a post of Lecturer fell vacant, therefore the petitioner submitted his representation for being promoted on the post of Lecturer (Civics) but the respondents did not pay any heed towards it. In this regard the petitioner moved several representation, but all in vain. Hence this writ petition.

During the course of arguments, learned counsel for the petitioner has confined his prayer that he may be permitted to move representation before the Appropriate Authority and the authority concerned may be directed to decide the same within the period prescribed by the Court.

The prayer is innocuous.

Accordingly the petitioner is directed to move representation, raising all his grievances before the Committee of Management within a period of two weeks from today. The Committee of Management is directed that while considering the candidature of the petitioner for promotion they shall ensure that the post is available with the Institution under promotion quota and the petitioner is fully qualified to be promoted. And in case, the petitioner comes under the zone of consideration the Committee of Management shall send proposal to the Appropriate Authority and the Authority concerned, on receiving such proposal, shall take decision on the same at the earliest.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 13, 2007:
NCM: